

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

70-CR-52

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p>vs.</p> <p>Luther Hill</p> <p>TRUE NAME: LUTHER HILL, JR.</p>	<p><i>For U. S.:</i> Hubert H. Bryant</p> <p><i>For Defendant:</i> Waldo Jones II (Ct. - Appt.) 1440 North Lansing Tulsa, Oklahoma 74106 Robt. G. Brown, Appt. Center Bldg., 500 W. 7th Tulsa, Okla.</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed ⁷⁻³¹⁻⁷¹ 2-28-70	Clerk				
J.S. 3 mailed ⁶⁻³⁰⁻⁷⁰ 11-1-71	Marshal				
Violation Narcotics	Docket fee				
Title T.21, USC, 174					
Sec. T.26, USC, 4704(a)					

DATE	PROCEEDINGS
2-24-70	Indictment filed in open court. h
2-24-70	Record vote of the grand jury filed in open court. h
2-24-70	Warrants for the arrest of the defendant issued.
3-6-70	Petition For Writ of Habeas Corpus Ad Prosequendum, filed.
3-6-70	Order Granting Writ of Habeas Corpus Ad Prosequendum, (AEB-J) filed js
3-6-70	Writ Issured. js
3-11-70	Ordered that indictment be unsealed. (Heretofore ordered sealed on 2-24-70). (AEB-J)m
3-16-70	Deft's Affidavit & Order Appointing Counsel, filed. js
3-24-70	Defendant Luther Hill present in person and represented. Defendant pleas a TRUE NAME OF : Luther Hill, Jr. Defendant arraigned and enters pleas of NOT GUILTY as to Cts. 1&2 and case to be set on next jury docket. Def. granted 10 days to file motions. (AEB-J)h
4-13-70	Motion of deft. to discover and inspect, filed. m
4-13-70	Motion for the production of evidence favorable to the accused. m
4-13-70	Motion to disclose witnesses of the govt. who will appear at the time of trial, filed. m
4-13-70	Motion for disclosure of matters occurring before the Grand Jury, filed. m

(over)

DATE	PROCEEDINGS
4-13-70	Response in opposition to motions of defendant, filed. m
4-15-70	Case called for hearing on motions as to defendant Luther Hill. Defendant present in person and represented. Motions to discover and inspect and motion for the production of evidence favorable to the accused are moot. Motions to disclose witnesses of the govt. who will appear at the time of trial and motion for disclosure of matters occurring before the Grand Jury are each overruled. (AEB-J)h
5-5-70	Case set for Jury Trial on Monday, May 25, 1970 at 9:30 A.M. (AEB-J)h
5-7-70	Case stricken from jury assignment of 5-25-70. (AEB-J)m
5-11-70	Case set for Jury Trial on Monday, 5-25-70 at 9:30 A.M. (AEB-J)h
5-20-70	Petition of defendant for writ of habeas corpus ad testificandum, filed. e
5-20-70	Order, granting writ of habeas corpus ad testificandum, filed. (AEB-J) writ issued. ds
5-25-70	Case called for Jury Trial. Defendant Luther Hill present in person and represented, and parties announce ready. It is ordered that this case is passed to Tues. 5-26-70 at 2:00 P.M. (AEB-J)h
5-26-70	Case called for jury trial & case passed to Thursday 5-28-70 at 9:30 a.m. (AEB-J)m
5-28-70	Case called for jury trial May 28, and June 1, 1970. Defendant present and represented. Verdict ordered received, read & filed in open court. Jury brings verdict finding deft. GUILTY in each of Cts. 1&2. Jury polled & discharged. Sentence set for Friday, June 5, 1970, at 10:00 a.m. Deft. to remain in Tulsa until sentenced. (AEB-J)m
6-18-70	Verdict finding deft. Luther Hill GUILTY as charged in Cts. 1 & 2, filed in open court.
6-18-70	Pltf's exhibits, filed. (Ex. #1 in vault, Ex. #2 in file)m
6-3-70	U. S. Subpoena duces tecum returned, filed - (in 70-CR-26) Bryan L. Tipton served at Oklahoma City on 5-7-70. b
6-5-70	Deft. Luther Hill, Jr., present and represented.
	Judgment and Sentence - Luther Hill, Jr. (Age 42)
	Count One - Atty. Gen. - Ten (10) Years
	Count Two - Atty. Gen. - Ten (10) Years, to run consecutive to the sentence imposed in Count One.
	The Court recommends commitment to an institution where the deft. can receive treatment for drug addiction. (AEB-J)m
6-5-70	Judgment and Commitment, filed and entered. (AEB-J)m
6-5-70	Two c/c of J&C delivered to U.S. Marshal. m
6-11-70	Notice of Luther Hill, Jr., filed. copies mailed to Hubert Bryant and CCoFA.
6-12-70	Writ of habeas corpus ad testificandum returned filed - Jack Rudolph Woods delibered to Tulsa on 5-22-70 and returned to Oklahoma State Penitentiary, McAlester, Okla. 6-4-70. b
6-15-70	Motion for leave to proceed in forma pauperis pursuant to 28 USC 1915a, filed, with supporting affidavit. g
6-15-70	Order granting leave to proceed in forma pauperis, filed. (AEB-J)g
6-15-70	Order for transcript of proceedings at government expense, filed. (AEB-J)g cc to Larry Marks. g
7-1-70	Writ of H/C ad prosequendum returned & filed: sLuther Hill brought to Tulsa from McAlester on 3-13-70, and returned him to Oklahoma State Penitentiary, McAlester, Ok. on 6-29-70. g
7-18-70	Order extending time to 9-9-70, to file appeal, filed. g cpy to USCA & US Atty. g (AEB-J)g
9-9-70	Transcript of arraignment proceedings, 3-24-70, filed. g
9-9-70	Transcript of hearing on motions, 4-15-70, filed. g

-continued-

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CRIMINAL DOCKET

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DATE	PROCEEDINGS
9-9-70	Transcript of jury trial proceedings, 5-28-70, filed. g (LEM-Rptr.)
9-9-70	Transcript of sentencing, 6-5-70, filed. g (LEM-Rptr.)
9-9-70	Appeal record (5 vols.) orig. + 3 cpies sent to USCA. g
9-3-70	Return on warrant for arrest of deft, filed. Returned unexecuted.
7-1-71	Withing named Luther Hill sentenced 6-6-70 & in OSP, McAlester, Okla. m CC of Mandate and Opinion of USCA, reversing judgment of 6-5-70, and remanding case for further proceedings, filed & spread of record. g
9-3-71	Letter of Luther Hill, Jr., filed. js
9-3-71	Forma Pauperis Affidavit, filed. js
9-3-71	Demand For Bail, Points & Authorities and Conclusion, filed. js
9-7-71	Defendant Luther Hill, Jr., present in person and represented. Waldo Jones, Jr., requests withdrawal as attorney, and request granted by by the court, and court orders that Robt. G. Brown be appointed to represent the defendant and case to be set on next jury docket. (AEB-J)h
9-29-71	Case set for Jury Trial on Monday, Oct. 18, 1971 at 9:30 A.M. (AEB-J)h
10-18-71	Case called for jury trial and passed to Wednesday, 10-20-71 at 9:30 a.m. It is ordered that case is transferred to Judge Fred Daugherty for further proceedings. (AEB-J)m
10-19-71	Petition for writ of habeas corpus ad testificandum as to Robert Alex- ander, filed. ds
10-19-71	Petition for writ of habeas corpus ad testificandum as to Lindsay Draper, filed. ds
10-14-71	Application to subpoena witnesses with order to Clerk to issue subpoenas at cost of govt. (AEB-J)m
10-19-71	Order granting writ of habeas corpus ad testificandum as to Lindsay Draper, filed. (FD-J)m
10-19-71	Order granting writ of habeas corpus ad testificandum as to Robert Alexander, filed. (FD-J)m
10-20-71	Case called for jury trial and passed until October 21, 1971, at 9:30 a.m. (FD-J)m
10-21-71	Letter from Luther Hill, Jr. dated 10-7-71, stating he would like to subpoena his witnesses prior to going to trial., filed. r
10-21-71	Case called for Jury Trial. Deft. present and represented by Robert Brown, Pltf. represented by Nathan G. Graham/ <u>Verdict ordered received, read,</u> <u>and filed in open court.</u> Jury brings verdict finding deft. GUILTY in Count #2. Court finds Deft. guilty in Count #2. Jury was unable to agree on Count #1 - Court finds this a mis-trial. Jury Discharged. <u>Stipulation filed in open court by counsel.</u> Court imposes sentence on Deft. Judgment and Sentence - Luther Hill, Jr. It is adjudged that the deft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprison- ment for a period of Count Two - 10 years (Ten Years) Deft. is given 10 days to file Notice of Appeal, at such time Deft. states he will file a Notice of Appeal on Count #2. Deft to be held here in the custody of the U. S. Marshal until 10-29-71. (FD-J)r
10-21-71	Judgment and Commitment, filed and entered. (FD-J)r
10-21-71	Two c/c of J & C delivered to U. S. Marshal, filed. r
10-21-71	Plaintiff Exhibits Nos. #1 and #2. Defts. exhibits Nos. #1, #2, #3, & #4. Deft's Exhibits in filed. Pltf's Exhibits in <u>Exhibit Room</u> . Vault. r
10-22-71	Ordered by the Court that Deft. to be set on \$15,000. Cash Bail, (FD-J)r
10-26-71	At request of Deft., that deft. exhibits #1, - #4 be duplicated and

DATE	PROCEEDINGS
	returned to Mr. Brown; court ordered on completion of case being closed, Mr. Brown to draw up order to withdraw exhibits #1 - #4 at that time, to be replaced with copies. (FD-J)r
10-28-71	Notice of appeal, filed. (cpy to USCA and US Atty.)g
11-1-71	Motion for Bail Reduction, filed by Luther Hill, Jr., filed. r
11-1-71	Order filed, that the U.S. Court of Appeals for this Circuit without any action from this court will designate and appoint Deft. Luther Hill, Jr. appellate counsel. Filed. (FD-J)r <i>Copies mailed w/ letter to attys</i>
11-2-71	Writ of Habeas Corpus ad Testificandum as to Robert Alexander, ret. & filed: Robert Alexander brought from Ok. State Penitentiary at McAlester, Ok. to Tulsa 10-20-71, and returned to McAlester, 10-29-71. Writ as to Lindsay Draper returned unserved, 10-27-71. g
11-2-71	Subpoenae, ret. & filed: served Eddie Brown, Dallas, Tx. 10-13-71; Patty Adair, Asst. Bookkeeper, Camelot Inn, Tulsa, Ok. 10-15-71; Jack Woods at O. C., 10-17-71; Robert Alexander, Troy Beck and Lindsey Draper returned unserved. g
11-2-71	Order filed, denying the Motion for Bail Reduction, Filed. (FD-J)r (mailed copies to Deft. Deft. atty., U.S. Atty., U.S. Probation, U.S. Marshals' Office)
11-18-71	J&C, ret. and filed: Luther Hill delivered to USP, Leavenworth, Ks., 11-6-71. g
11-24-71	Order denying motion for reduction of bail as to defendant from 10th Circuit received. Certified copy of (with letter)
11-29-71	Request of defendant for transcript of trial proceedings for appeal, filed. g
12-1-71	Order that the original and one copy of the proceedings at the jury trial on Oct. 21, 1971, be transcribed at the expense of the U.S.A., filed. (FD-J)v
12-15-71	Letter dated 12-2-71 from Luther Hill, Jr. to J. D., regarding the Defts' Jail time and the pending charge of Count 2, filed. r
12-15-71	Copy of letter dated 12-13-71 from J. D. to Luther Hill, Jr., regarding defts conviction and that this case will be set at the next Criminal Jury Docket, filed. r
12-27-71	Extension of time for filing and docketing of appeal to be extended for an additional fifty (50) days from December 7, 1971 for the purpose of perfecting deft's appeal, filed (FD-J)r (copies mailed to attys and deft) <i>Copy to U.S.C.A. - v-</i>
12-27-71	Order granting leave to prosecute appeal in forma pauperis, filed. (FD-J)r (Copies mailed to attys and to deft.)
1-18-72	Govt's motion for leave to dismiss count 1 of indictment, filed. hm <i>order to judge</i>
1-20-72	Order of Dismissal on Count I, filed. (FD-J)r (Copies mailed to attys and deft.)
1-24-72	Transcript of trial proceedings (orig. + 2 copies), filed. (R. Lee Cook, CSR)g
1-24-72	Appeal record (orig. + 3 copies) mailed to USCA. g
11-27-72	Mandate & Opinion of USCA affirming judgment of 10-21-71, filed & spread of record. g
11-27-72	Appeal record (2 vols.) received from USCA and by its direction sent to Supreme Court on writ of certiorari. g
12-21-72	Petition for Writ of Certiorari docketed in Supreme Court as 72-5870 on Dec. 11, 1972. g
3-2-73	Pet. for Writ of Certiorari denied by Supreme Court. g (Ltr. from USCA)
3-12-73	Appeal record (2 vols.) received from Supreme Court. rm
1-25-74	Ltr. from L. Hill to FD re resentence, filed. rm
1-25-74	Ltr. from FD to L. Hill denying req. for resentence under 4203(a)(2), filed. rm
1-24-79	Order, directing Clerk to return trial exhs. to respective parties, filed. (FD-J)rm Exhs. picked up by Ken Snoke, U. S. Atty 1/24/79

UNITED STATES COMMISSIONER
Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE Morris L. Bradford, U. S. Court House, Tulsa, Oklahoma
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's

Docket No. 1, Case No. 58

United States of America

Luther Hill, Jr. vs.

70-CR-52

U.S.C. Title 21, Section 174

U.S.C. Title 26, Section 4704(a)
(Nature of proceeding)

INDICTMENT

FILED
 17,283
 MAR 17 1970

DATE	
3/16/70	Defendant, Luther Hill, Jr., appeared before me the undersigned this
	date for the sole purpose of posting bond. Defendant advised that his bond
	was fixed in the amount of \$50,000.00 cash or surety. Defendant advised
	of his right to counsel and requested court appointed counsel. Defendant
	committed to U. S. Marshal in lieu of bond.
	<i>Morris L. Bradford</i>
	Morris L. Bradford
	U. S. Commissioner
	Northern District of Oklahoma

M. M. EWING, CLERK
 U. S. DISTRICT COURT

